

Michigan Legislation Introduced to Penalize Ag Polluters, Reward Good Stewards

MMMPA, in conjunction with the Michigan Farm Bureau (MFB), and several other animal agriculture organizations, support a four-bill package that would impose strong penalties on farms convicted of breaking environmental laws and increase incentives for farms to not only meet but exceed environmental standards. The bills were introduced in the Senate on May 15.

"This legislative package achieves an important balance in Michigan's agriculture industry of penalizing convicted polluters and rewarding proactive environmental stewards," says MFB President Wayne H. Wood of Senate Bills 501-504 introduced by Sens. Gerald Van Woerkom (R-Norton Shores), Patricia Birkholz (R-Saugatuck) and Jim Barcia (D-Bay City).

Most recently, concentrated animal feeding operations (CAFOs) have been under intense environmental scrutiny in the agriculture industry. Farms considered CAFOs include, for example, those with at least 700 mature dairy cows, 1,000 head of beef cattle or approximately 2,500 hogs.

Under this package, CAFOs that are convicted of violating state water quality laws would be subject to increased regulatory oversight and would not be re-issued their existing operating permit nor issued a new permit to operate a CAFO at another site unless the following conditions were met:

- A convicted CAFO would be required to come into compliance with the law and court orders; and
- The CAFO would be prohibited from expanding for three years; and
- Would be restricted from applying manure to farm fields that are already high in phosphorus; and
- The CAFO would be subject to

annual water quality monitoring and soil sampling requirements.

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**- Ken Nobis,
MMPA president**

"This legislation addresses many of the environmental community's concerns over the regulatory oversight of CAFOs and CAFO expansion, but does so in a way that targets convicted violators without casting a black cloud over the rest of agriculture. This is an important balance," Wood says.

The legislative package also contains provisions to support proactive environmental protection, including defining the Michigan Agriculture Environmental Assurance Program (MAEAP) in state statute. MAEAP, which helps farmers identify and reduce and/or eliminate environmental risks on their farm, is a voluntary program for Michigan farmers.

"The legislative package is important to the future growth of our state's dairy and agriculture industry," Ken Nobis, MMPA president says. "One of the stumbling blocks for our industry has been the constantly changing environmental regulations in Michigan. As regulations continue to change and become even stricter than federal law, it makes it difficult for Michigan's dairy farmers to remain viable and competitive with other states. This legislative package addresses the issue by providing clear, consistent regulations."

The agriculture groups in support of the legislation contend that

defining MAEAP in state statute would make the program more appealing to farmers and would be an incentive for more farmers to complete the program. This would benefit the state as a whole, according to Wood, because completing MAEAP often requires a farmer to meet environmental standards that exceed those federally mandated – and MAEAP applies to farms of all sizes and all commodities.

Another provision would require the Michigan Department of Agriculture (MDA) and DEQ to develop a booklet identifying environmental laws applicable to agriculture.

"This is a tool that's long overdue," Wood says. "Farmers want to follow the law, but with constantly changing regulations, they feel as if they are always chasing a moving target. They say, 'Tell us what to do, and we'll do it.' This provision would deliver on this seemingly simple request."

Wood also applauded the bill sponsors on directing state resources to the heart of agricultural pollution prevention. Specifically, their legislation would:

- Require that environmental protection fines paid by animal feeding operations be deposited to the state's Agriculture Pollution Prevention Fund.
- Require the MDA and DEQ to promote and assist farmers with implementing manure treatment technologies.
- Provide funding priority for MAEAP-verified farms for agricultural pollution prevention projects.

"These provisions demonstrate common sense and show the senators' commitment to a healthy and productive agriculture industry and the protection of Michigan's environment," Wood says.